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Department of State

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ACTION ARA-16

BUENOS 02769 152029Z

INCOMING
TELEGRAM

3606

INFO OCT-01 ADS-00 AID-07 CIAE-00 HA-06 VO-05 FBI-03
RP-10 INS-01 SR-04 /053 W -----001366 152030Z /41

P 152001Z APR 81
FM AMEMBASSY BUENOS AIRES
TO SECSTATE WASHDC PRIORITY 9209

~~CONFIDENTIAL~~ BUENOS AIRES 2769

E.O. 12065: GDS 4/15/87 (HITCHCOCK, W. W.) OR-V
TAGS: SHUM SREF AR
SUBJECT: (U) LATIN AMERICAN REFUGEE PROGRAM

REF: (A) STATE 092338, (B) BUENOS AIRES 1652, (C) BUENOS
AIRES 1003, (D) RUSER-SERVICE TELECON 4/13/81

*File
Argentina*

1. (C) THE DEPARTMENT RECENTLY PROVIDED THE ARGENTINE EMBASSY WITH A LIST OF NAMES OF PEN PRISONERS IN WHOM MEMBERS OF CONGRESS HAVE EXPRESSED SPECIAL INTEREST (REF A). AMONG THE NAMES ON THAT LIST WERE THREE PRISONERS WHO, UNDER THE THEN STANDING GUIDELINES, WERE ISSUED CERTIFICATES OF ACCEPTABILITY INTO THE UNITED STATES AFTER CONSULAR INTERVIEWS BUT BEFORE THE INS HAD APPROVED THE CASES. INS HAS STILL NOT ADJUDICATED THESE CASES AND THE THREE DETAINEES' CERTIFICATES REMAIN VALID. THE THREE DETAINEES ARE: BEGNARDI, RODOLFO JUAN, GARIBOTTO, ESTELA CRISTINA, AND GONZALEZ, JUAN CARLOS.

2. (U) THUS IT BECOMES A MATTER OF GREATER URGENCY THAT INS APPROVE THESE THREE CASES, AT LEAST, UNTIL IT DOES, AND SHOULD THE GOA ACT FAVORABLY ON THESE CASES, WE ARE IN THE POTENTIALLY EMBARRASSING POSITION OF HAVING TO TELL THE GOA AND THE PRISONERS THAT EVEN THOUGH CERTIFICATES OF ACCEPTABILITY HAVE BEEN ISSUED TO THE DETAINEES THEIR ADMISSION TO THE USA HAS NOT YET BEEN APPROVED BY THE USG (SEE REFS B AND C FOR A DISCUSSION OF THESE ISSUES). UNDER THE INS' TIMETABLE, AN IMMIGRATION OFFICER IS NOT RPT NOT SCHEDULED TO COME HERE UNTIL JUNE TO CONDUCT THE INTERVIEWS REQUIRED BY THE NEW INS PROCEDURES. AS THE DEPARTMENT WILL RECALL, CERTIFICATES OF ACCEPTABILITY WERE ISSUED TO TWENTY-THREE DETAINEES, INCLUDING THESE THREE, BEFORE THE INS INSTITUTED ITS PRESENT REQUIREMENT FOR INS INTERVIEWS (REF B).

3. (U) IN SUM, OUR CREDIBILITY BEFORE THE GOA AND THE U. S. CONGRESS WILL BE ADVERSELY AFFECTED IF THE GOA SHOULD ACT FAVORABLY ON ANY OF THESE THREE CASES BEFORE THE INS HAS CONCLUDED ITS INTERVIEW AND APPROVED ADMISSION. THE CERTIFICATES OF ACCEPTABILITY WERE PROPERLY ISSUED BY THE EMBASSY CONSISTENT WITH THE PROCEDURES THEN IN EFFECT BETWEEN THE DEPARTMENT AND THE INS. THE EMBASSY HAS NO INFORMATION THAT IN OUR VIEW WOULD RAISE QUESTIONS ABOUT THE ADMISSIBILITY OF THE THREE DETAINEES AS REFUGEES, EXCEPT IN THE CASE OF GONZALEZ, AND THE INFORMATION OBTAINED BY THE CONSULAR OFFICER (AND SENT INS WITH GONZALEZ'S FILE) WOULD SEEM FULLY TO OVERCOME THE DEROGATORY INFORMATION IN HIS CASE.

4. (U) ACTION REQUESTED: WE STRONGLY RECOMMEND THAT THE INS PROMPTLY REVIEW THE FILES OF AT LEAST THESE THREE INDIVIDUALS AND ADJUDICATE AS QUICKLY AS POSSIBLE THEIR ADMISSIBILITY AS REFUGEES, WITHOUT INS INTERVIEWS.
SHLAUDEMAN

Declassified Case: 07X-52829 Date:
11-02-2018

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DEPARTMENT OF STATE

Washington, D.C. 20520

April 14, 1981

~~CONFIDENTIAL~~

TO: S/R - Julia Taft

FROM: RP - Phil Chicola *PC*

SUBJECT: Political Prisoners in certain South American Countries--
A possible initiative.

Background:

Four South American countries, Argentina, Bolivia, Chile, and Uruguay currently hold (depending on definition) between 3,000 and 4,000 political prisoners. These countries, ruled by military governments or other conservative groups, were the targets of considerable criticism under the Carter Administration's human rights policy. That criticism was often echoed and surpassed by liberal members of Congress and other private human rights advocates. As a result, relations between the U.S. and those countries suffered significant damage. It has been argued that USG's ability to secure changes in the internal policies of those nations was hampered by the level and public nature of the criticism since policy changes would seem a surrender to U.S. pressure.

A typical example of this problem is the failure of the Latin American Refugee Program (and its predecessor the Hemispheric 500 Parole Program) to secure the release of any significant number of Argentine political prisoners. Since its inception in the summer of 1978, this program has only succeeded in admitting some 100 political prisoners (accompanied by a like amount of immediate relatives), a far cry from its intended goal of admitting 500 prisoners (plus accompanying family members) in two years. The failure of this program to accomplish its objective can be attributed to some extent to the bureaucratic difficulties involved in its operation. However, the root cause of its failure lies in the adversary nature of the program which from the beginning placed USG as the public advocate for the release of political prisoners. As such, we were often the spokesmen for friends and relatives of the prisoners, Congressional critics of the Argentine Government, and U.S. organizations whose main interest often seem to lie in embarrassing the Argentine Government rather than in the fate of the prisoners. In view of this, we should not be surprised that GOA was not very cooperative.

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The change in Administration, however, gives the Department a unique opportunity to reverse that trend. The Reagan Administration has indicated its commitment to improve relations with the countries victimized by the old human rights policy without abandoning the fundamental American commitment to human rights. We, therefore, have the opportunity to abandon the former policy of public posturing and criticism and supplant it with a policy of quiet cooperation and persuasion. Such policy would allow us to quietly persuade the governments involved that the release of some political prisoners (provided they leave the country) is in their best interest since it would enable USG to deflate Congressional and private critics of those governments. Any such program would be implemented quietly and would avoid the high level publicity which did so much harm in the past.

Program Proposal--General Outline and Objectives

The proposed program would have as its basic objectives the improvement of the human rights image of the countries involved, and a demonstration that the Reagan Administration policy on Human Rights while substituting cooperation for confrontation can, in fact, be more successful in achieving tangible results, such as the release of political prisoners.

In order to achieve these objectives, a quiet approach would be made to the Governments of Argentina, Bolivia, Chile, and Uruguay offering to accept for resettlement in the U.S. nationals of those countries (if admissible under the INA) who may be confined in prison or internally exiled as a result of political activities. USG would commit itself to review the cases of individuals fitting the above description given to us by the involved governments. Although the U.S. may present its own lists, from time to time, to the governments, such presentations would be made privately and confidentially and the response would be treated in the same fashion. The U.S. would not request the release of any persons jailed for acts of violence. Finally, the operation of the program would be conducted quietly, away from the public eye, and its results only announced after the fact and in a manner complimentary to that governments' behavior.

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The actual size of the program would be difficult to ascertain, but it would seem reasonable to assume (based on the current prisoner population in those countries and the desirability to proceed at a moderate pace), the allocation of 2,000 to 2,500 numbers for FY 82 would be sufficient. This number would not (provided no activity takes place in the Cuban front) be in excess of our FY 82 budget projections.

If you wish to discuss this idea further, I am at your disposal.

cc: RP - W. R. Smyser

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Department of State

OUTGOING
TELEGRAM

PAGE 01
ORIGIN RP-10

STATE 094351

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INFO OCT-80 ADS-00 /010 R

DRAFTED BY RP/AFLA: AVROBINSON

APPROVED BY RP/AFLA: PCHICOLA

----- 330571 140218Z /66

P 132325Z APR 81

FM SECSTATE WASHDC

TO AMEMBASSY BUENOS AIRES PRIORITY

UNCLAS STATE 094351

E.O. 12065: N/A

*File
Argentinian*

TAGS: SREF, AR (RODRIGUEZ, JUAN CARLOS)

SUBJECT: LATIN AMERICAN REFUGEE PROGRAM - POSSIBLE
CANDIDATE

1. DEPT. HAS RECEIVED INQUIRY REGARDING THE CURRENT STATUS
OF THE CASE OF MR. JUAN CARLOS RODRIGUEZ, AN ARGENTINIAN
DETAINED IN LAPLATA PRISON.

2. IN ORDER TO RESPOND TO THIS INQUIRY, WE WOULD APPRECIATE
YOUR FORWARDING ALL AVAILABLE INFORMATION PERTINENT TO THIS
CASE TO THE DEPARTMENT AS SOON AS POSSIBLE.

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Department of State

INCOMING
TELEGRAM

PAGE 01 BUENOS 01784 01 OF 02 141305Z
ACTION RP-10

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BUENOS 01784 01 OF 02 141305Z

INFO OCT-01 ADS-00 ARA-16 VO-03 /030 W
-----247145 141335Z /42
R 131422Z MAR 81
FM AHAMBASSY BUENOS AIRES
TO SECSTATE WASHDC 8800
US IHS WASHDC

UNCLAS SECTION 1 OF 2 BUENOS AIRES 1784

E.O. 12065: N/A
TAGS: SHUM,SREF,AR
SUBJECT: LATIN AMERICAN REFUGEE PROGRAM
REF: A) BA-1652, B) BA-1003

1. THIS IS THE SECOND OF SEVERAL MESSAGES CONCERNING SIXTY (60) PENDING REFUGEE CASES IN OUR FILES WHICH HAVE NOT YET BEEN APPROVED (OR DISAPPROVED) BY THE IMMIGRATION AND NATURALIZATION SERVICE (INS)

2. IN ADDITION TO THE TWENTY-THREE (23) CASES REPORTED IN REF A (CASES OF APPLICANTS WHO HAD ACTIVE CERTIFICATES OF ACCEPTABILITY FROM THE EMBASSY ALTHOUGH NOT YET APPROVED BY INS), THERE ARE NINETEEN (19) APPLICANTS WHOM THE CONSULAR OFFICER HAS INTERVIEWED AND FOUND ACCEPTABLE, BUT WHO EITHER (A) HAVE NOT BEEN ISSUED CERTIFICATES OF ACCEPTABILITY OR (B) HAVE BEEN ISSUED CERTIFICATES WHICH FOR VARIOUS REASONS CAN NOT OR PROBABLY WILL NOT BE USED. THE FIRST SET, THOSE NOT ISSUED CERTIFICATES, NO. FOUR (4). THE CONSULAR OFFICER HAS SENT HIS RECOMMENDATION FOR APPROVAL OF THESE FOUR CASES TO INS, BUT INS HAS NOT ACTED ON THE RECOMMENDATION. THESE FOUR CASES ARE THE FOLLOWING:

NAME AND BIRTH DATA	"A" NO.	CASE SENT TO INS
ABOLLO, OSVALDO LUIS 10/23/52, BUENOS AIRES, ARG.	NONE	11/79
APONTE, DUILIO BLAS 2/3/52 CHACO, ARG.	A24 499 467	10/80
SAIN, FRANCISCO HERNAN 4/16/50 ENTRE RIOS, ARG.	A24 499 491	11/80
SANTILLAH, HUMBERTO 6/15/53 SGO. DEL ESTERO, ARG.	A24 499 489	11/80

3. THE OTHER FIFTEEN (15) OF THE 19 CASES, ISSUED CERTIFICATES OF ACCEPTABILITY WHICH CAN NOT OR PROBABLY WILL NOT BE USED, WERE NOT SENT TO THE INS BUT WILL BE SENT IN THE NEXT, FEW DAYS. ONLY ONE OF THEM HAS AN "A" NO.

A. EIGHT (8) OF THE 15 WERE DENIED RIGHT OF OPTION BY GOA EITHER DIRECTLY OR, BY NOT REPLYING TO APPLICATION WITHIN FOUR MONTHS, INDIRECTLY. THEY MAY ASK EMBASSY FOR NEW CERTIFICATES WITH WHICH TO RE-APPLY TO GOA FOR THIRTY DAY OF OPTION. THESE CASES ARE:

CLAVELL, MIGUEL MARIO, BORN 10/27/48, BUENOS AIRES,
ARGENTINA, (CERTIFICATE ISSUED 4/22/80)

GUTIERREZ DANSEY, FRANCISCO, BORN 10/24/50, BUENOS AIRES,
ARGENTINA (4/24/80)

LENZI, HECTOR DANIEL, BORN 5/3/58, BUENOS AIRES,
ARGENTINA 5/20/80

PUJOL BRUNA, HUGO ALBERTO, BORN 1/26/56, CORDOBA,
ARGENTINA. (5/20/80)

RODRIGUEZ, LUIS JUAN, BORN 5/4/43, SANTA FE, ARGENTINA
(6/3/80)

SARTORI, MARZO ATILIO, BORN 2/1/53, JUNIN, BUENOS AIRES
ARGENTINA (3/17/80)

TABORDA, ROBERTO DURAN, BORN 4/30/51, SAN LUIS,
ARGENTINA (4/22/80)

VALDEZ SANCHEZ, LUIS, BORN 6/30/48, CHACO,
ARGENTINA. (5/28/80)

B. FIVE (5) OF THE 15 ARE NOT LONGER INCARCERATED BUT
ARE UNDER PROVISIONAL LIBERTY. THEY ARE:

LOPEZ, HECTOR GUSTAVO, BORN 12/5/55, BUENOS AIRES,
ARGENTINA. (8/20/80)

PAVIOLI, OSVALDO MARIA, BORN 4/1/39, CORDOBA,
ARGENTINA. (5/28/80).

ANR Argentina
file

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INCOMING
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BUENOS 01784 02 OF 02 141149Z

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INFO OCT-01 ADS-00 ARA-16 VO-03 /030 W-
-----246155 141336Z /42
R 131422Z MAR 81
FM AMEMBASSY BUENOS AIRES
TO SECSTATE WASHDC 8801
US INS WASHDC

UNCLAS SECTION 2 OF 2 BUENOS AIRES 1784

TABORDA NEE GONZALEZ, ALICIA MERCEDES, BORN 8/10/50,
CORRIENTES, ARGENTINA. (4/22/80)

TRABA CORTI, PATRICIA AMALIA, BORN 9/2/55, SANTA FE,
ARGENTINA. (6/26/80)

WILCHES, ARMANDO MARIO, BORN 8/11/44, LA PLATA, BUENOS
AIRES, ARGENTINA (3/24/80)

C. TWO (2) APPLICANTS ARE IN THE HANDS OF THE REGULAR JUDICIAL AUTHORITIES AND PROBABLY CAN NOT BE RE-INTERVIEWED UNTIL THEY HAVE SERVED THEIR SENTENCES, IF ANY:

ARANDA VALLEJO, CARLOS RAUL, BORN 4/18/52, CORRIENTES,
ARGENTINA, A21 607 704. (12/11/78)

MINO, JORGE BELZOR, BORN 12/27/43, SANTA FE, ARGENTINA.
(5/29/80)

4. WE SHALL REFRAIN FROM ISSUING OR RE-ISSUING CERTIFICATES OF ACCEPTABILITY TO THESE 19 CASES UNTIL WE HAVE EITHER INS' APPROVAL OR THE DEPARTMENT'S INSTRUCTIONS TO ISSUE CERTIFICATES IN ADVANCE OF INS' APPROVAL (PARAS 7 AND 10C, REF B)

5. THESE 19 CASES ARE NOT RPT NOT AS URGENT AS THE 23 REPORTED IN REF A. NEVERTHELESS, IT COULD BE AWKWARD FOR THE EMBASSY AND FOR THE USG SHOULD ANY OF THE APPLICANTS PRESS FOR CERTIFICATES OF ACCEPTABILITY, ESPECIALLY IF HE HAD PREVIOUSLY BEEN ISSUED ONE. WE WOULD HAVE TO SAY THAT A SECOND INTERVIEW WAS NEEDED AND THAT THIS MIGHT NOT BE POSSIBLE FOR THREE TO SIX MONTHS MORE, DEPENDING ON HOW CLOSE WE WERE TO THE NEXT VISIT OF AN IMMIGRATION OFFICER.

6. ACTION REQUESTED: THAT DEPARTMENT ASK THE INS EITHER (A) TO ARRANGE AN EARLY VISIT BY AN IMMIGRATION OFFICER TO ARGENTINA TO INTERVIEW AS MANY OF THESE 19 APPLICANTS AS POSSIBLE (AND OF THE ADDITIONAL 22 TO BE CITED IN THE THIRD MESSAGE OF THIS SERIES), OR (B), AS WAS REQUESTED IN REF A FOR THE FIRST 23 CASES, TO TAKE FINAL ACTION ON THESE CASES ON THE BASIS OF A REVIEW OF THE CONSULAR OFFICER'S INTERVIEWS AND FAVORABLE RECOMMENDATIONS ALONE.

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Department of State

PAGE 01
ACTION RP-10

BUENOS 01813 161843Z

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BUENOS 01813 161843Z

INCOMING
TELEGRAM

INFO OCT-01 ADS-80 ARA-16 VOE-00 SR-04 /031 W
-----302537 162235Z /14
R 161253Z MAR 81
FM AMEMBASSY BUENOS AIRES
TO SECSTATE WASHDC 8819
INFO US INS WASHDC

UNCLAS BUENOS AIRES 1813

E.O. 12055: N/A
TAGS: SHUM, SREF, AR
SUBJECT: LATIN AMERICAN REFUGEE PROGRAM

REF: A) BA-1652; B) BA-1784; C) BA-1003
D) STATE 055669

1. THIS IS THE THIRD AND LAST MESSAGE OF A SERIES CONCERNING PENDING REFUGEE CASES IN OUR FILES WHICH HAVE BEEN NEITHER APPROVED NOR DISAPPROVED BY THE IMMIGRATION AND NATURALIZATION SERVICE (INS). THERE WERE SIXTY (60) WHEN THE FIRST MESSAGE WAS SENT MAR 9 BUT THE FIGURE HAS GROWN TO SIXTY FOUR (64).

2. IN ADDITION TO THE TWENTY-THREE (23) CASES REPORTED IN REF A (APPLICANTS NOT YET APPROVED BY THE INS BUT WITH VALID CERTIFICATES OF ACCEPTABILITY) AND TO THE NINETEEN (19) CASES REPORTED IN REF B (APPLICANTS APPROVED BY THE CONSULAR OFFICER, NOT YET APPROVED BY THE INS, AND WITHOUT ACTIVE CERTIFICATES), THERE ARE NOW RPT NOW TWENTY ONE (21) NEW APPLICANTS SEEKING REFUGEE STATUS WHO HAVE NOT RPT NOT BEEN INTERVIEWED BY EITHER CONSULAR OR IMMIGRATION OFFICER. THERE IS ALSO ONE (1) APPLICANT ABOUT WHOM DEROGATORY INFORMATION HAS BEEN DEVELOPED SINCE THE CONSULAR OFFICER'S INTERVIEW AND, ACCORDINGLY MUST BE INTERVIEWED AGAIN.

3. AS INDICATED IN PARAS 6, 7 AND 10 OF REF C, EMBASSY FOR TIME BEING WILL NOT RPT NOT SEEK GOA PERMISSION TO INTERVIEW THESE 22 APPLICANTS.

4. WE HAVE, THEN, A TOTAL OF SIXTY FOUR (64) APPLICANTS FOR REFUGEE STATUS AWAITING INTERVIEW BY IMMIGRATION OFFICER, AND THE NO. CONTINUES TO INCREASE. THIS NO. WOULD BE REDUCED BY WHATEVER NO. OF CASES (UP TO 42) INS MIGHT WISH TO ADJUDICATE ON THE BASIS OF THE CONSULAR OFFICER'S INTERVIEWS AND RECOMMENDATION AND WITHOUT AN IMMIGRATION-OFFICER INTERVIEW, AS WAS DONE BEFORE, AND AS WAS REQUESTED IN REFS A AND B.

5. WE WOULD SEEM TO HAVE AN AMPLE NO. OF POTENTIAL REFUGEES TO BE INTERVIEWED TO JUSTIFY AN EARLY VISIT TO BUENOS AIRES BY AN IMMIGRATION OFFICER. ALL ARE INCARCERATED, EXCEPT THE THREE CITED IN PARA 4 OF REF A AND THE FIVE IN PARA 3B OF REF B, WHO ARE UNDER PROVISIONAL LIBERTY. SINCE IT TAKES A MONTH OR MORE TO OBTAIN PERMISSION FROM GOA FOR VISITS TO INTERVIEW DETAINEES, WE HOPE WE COULD BE INFORMED OF THE NEXT IMMIGRATION-OFFICER VISIT AS SOON AS POSSIBLE, INCLUDING NAME OF OFFICER, HIS PASSPORT NO., AND DATES OF HIS CONTEMPLATED VISIT TO ARGENTINA. IF HE COULD BE ACCREDITED TO THE EMBASSY WITH DIPLOMATIC TITLE, AS SUGGESTED IN PARA 10B OF REF C, SO MUCH THE BETTER.

6. IN ANY CASE, THE REFUGEE PROGRAM HERE IS LOSING ITS FULL-TIME OFFICER AND AMERICAN SECRETARY POSITIONS IN THE EMBASSY'S ECONOMY MOVE, AND WE ARE LESS ABLE TO HANDLE THE INCREASING REFUGEE-PROGRAM WORKLOAD, CHIEFLY CORRESPONDENCE, BROUGHT ABOUT BY INS' INSISTENCE ON INS INTER-

VIEW ON THE ONE HAND AND, ON THE OTHER HAND, APPARENT PRESENT INTENTION NOT TO CONDUCT IMMIGRATION OFFICER INTERVIEWS UNTIL, SAY, JULY 1981. WE WELCOME REF D'S PROVISIONS FOR A REGIONAL INS OFFICE TO BE ESTABLISHED NEARBY, WHICH PRESUMABLY WILL PERMIT FREQUENT IMMIGRATION OFFICER VISITS TO ARGENTINA. THIS, HOWEVER, IS FOUR OR FIVE MONTHS AWAY AND WE NEED INS ACTION NOW RPT NOW ON CASES EVERY MONTH.

7. FURTHERMORE, WE BELIEVE DEPARTMENT SHOULD EXAMINE WITH INS HOW BEST TO TURN OVER TO INS AS MUCH OF THE REFUGEE PROGRAM AS POSSIBLE. ATTORNEY GENERAL, NOT SECRETARY OF STATE OR CONSULAR OFFICER, SEEMS TO HAVE ALL THE STATUTORY RESPONSIBILITY FOR THE PROGRAM. THE LEAST THAT IT SEEMS TO US OUGHT TO HAPPEN IS THAT THE INS FUND THE POSITIONS HERE THAT CARRY OUT THE PROGRAM AND THAT THE INS HANDLE THE CORRESPONDENCE. WE ARE PREPARED TO TURN REFUGEE FILES OVER TO THE INS AND TO FORWARD INQUIRIES TO THE INS.

8. ACTION REQUESTED: A. THAT THE INS BE URGED TO ARRANGE AN EARLY VISIT TO BUENOS AIRES TO CONDUCT AS MANY OF THE 64 INTERVIEWS INDICATED ABOVE AS POSSIBLE, OR A CORRESPONDINGLY SMALLER NO. IF THE INS ADJUDICATES UP TO 42 CASES ON BASIS OF CONSULAR OFFICER'S INTERVIEWS AND RECOMMENDATIONS ALONE.
B. THAT DEPT. AND INS CONSIDER HOW EST TO TURN REFUGEE PROGRAM OVER TO LATTER.

9. AMBASSADOR SHLAUDEMAN APPROVED THIS MESSAGE IN DRAFT BEFORE LEAVING FOR CONSULTATIONS IN WASHINGTON.
RUSER

BVR
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FILE
Argent/Jan

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Department of State

INCOMING
TELEGRAM

PAGE 01 BUENOS 00393 192122Z
ACTION RP-10

5443

BUENOS 00393 192122Z

INFO OCT-01 ARA-12 ADS-00 VO-05 CIAE-00 FBI-03 INS-01
NSAE-00 SSO-00 CA-01 /033 W
-----035852 19212GZ /61
0 192053Z JAN 81
FM AMEMBASSY BUENOS AIRES
TO SECSTATE WASHDC IMMEDIATE 8161

C. QUALIFY FOR IMMIGRANT-VISA IN HIS OWN RIGHT WITH APPROVED
LABOR CERTIFICATE, AND POSSIBLY PREFERENCE PETITION.

7. UNDER THE CIRCUMSTANCES, VITON WOULD HAVE DIFFICULTY MEETING
THE QUALIFICATIONS FOR A TOURIST RPT TOURIST VISA, SINCE HE
WOULD APPEAR NOT TO HAVE A RESIDENCE OUTSIDE THE USA THAT HE
HAS NO INTENTION OF ABANDONING.
SHLAUDEMAN

~~LIMITED OFFICIAL USE~~ BUENOS AIRES 0393

FOR: S/RP - AILEEN ROBINSON

E.O. 12065: N/A

TAGS: SREF, CVIS (VITON, ANIBAL J)

SUBJECT: REFUGEE PROGRAM: CASE OF ANIBAL JORGE VITON

Declassified Case: IWA- 02829 Date:
11-02-2012

REF: (A) ROBINSON-BOLLING TELECON JAN 5, (B) STATE 011856 (CPAS)

1. THIS IS SUMMARY OF REFERENCED TELECON, SENT AND ADMINISTRATIVELY CONTROLLED AT YOUR REQUEST.

2. ANIBAL JORGE VITON, BORN AUGUST 14, 1942, VISITED EMBASSY DECEMBER 30, 1980, TO ASK ABOUT JOINING ELENA SEVILLA AND HER CHILD, "FERMANDO HAHUEL VITON," IN USA. HE HAD BEEN RELEASED FROM CUSTODY BY ARGENTINE AUTHORITIES DECEMBER 28, 1980.

3. HAVING LIVED WITH MS. SEVILLA DURING 1974 AND TO SEPTEMBER 1975 (WHEN HE WAS DETAINED), AND THE CHILD HAVING BEEN BORN NOVEMBER 22, 1975, VITON CLAIMS TO BE HER COMMON-LAW HUSBAND AND THE CHILD'S FATHER. VITON IS EFFECT ADMITS, HOWEVER, THAT MS. SEVILLA HAS ANOTHER HUSBAND, FROM WHO SHE HAS OBTAINED ONLY A LEGAL SEPARATION. (THE ARGENTINE LEGAL SEPARATION IS CALLED A "DIVORCIO," BUT SINCE IT DOES NOT TERMINATE THE MARRIAGE IT IS NOT A DIVORCE. LIKEWISE, THE SEPARATED PERSON'S ARGENTINE PASSPORT SHOWS HIS (HER) CIVIL STATUS AS "DIVORCIADO" ("DIVORCIADA"), BUT THIS DOES NOT NECESSARILY MEAN "DIVORCED." SEE 9 FAM (VISAS), PART IV, APPENDIX B/C/E, "ARGENTINA," PORTION OF DIVORCE CERTIFICATES. APPARENTLY, UNDERSTANDING THIS FULLY, VITON AND MS. SEVILLA SEEM NEVER TO HAVE TRIED TO BECOME MARRIED TO EACH OTHER.)

4. VITON IS SHOWN ON CHILD'S BIRTH CERTIFICATE AS THE FATHER. THERE IS SOME QUESTION WHETHER THE CHILD MEETS DEFINITION OF LEGITIMATED "CHILD" OF SECTION 101(B) (J) (C) OF IMMIGRATION AND NATIONALITY ACT. BEFORE REF B ARRIVED WE THOUGHT ONLY MARRIAGE OF FATHER TO MOTHER COULD LEGITIMATE IN ARGENTINA, BUT NOW WE'RE NOT SO SURE. THIS, HOWEVER, IS IMMATERIAL SINCE PARENTS DERIVE NO REFUGEE BENEFIT FROM CHILD AND NO VISA BENEFIT EVEN FROM U.S.-CITIZEN CHILD UNTIL CHILD REACHES 21 YEARS OF AGE.

5. VITON THUS HAS NO CLAIM FOR IMMIGRANT-VISA OR REFUGEE STATUS THROUGH RELATIONSHIP TO MS. SEVILLA OR TO HER CHILD.

6. VITON'S OPTIONS, THEN, APPEAR TO BE THE FOLLOWING:

A. WAIT A PERIOD OF TIME, PERHAPS SIX MONTHS, AND THEN TRY TO SATISFY CONSULAR OFFICER THAT HE IS STILL VICTIM OF HARRASSMENT OR PERSECUTION AND THUS ELIGIBLE AGAIN FOR REFUGEE STATUS AND CORRESPONDING VISA. THIS MAY, OF COURSE, BE DIFFICULT TO ESTABLISH.

B. HAVE MS. SEVILLA OBTAIN A FULL DIVORCE (FROM A JURISDICTION THAT GRANTS FULL DIVORCES), HAVE HER SUBSEQUENTLY MARRY HIM (IN A JURISDICTION THAT ACCEPTS THE DIVORCE), AND HAVE HER THEN FILE APPROPRIATE IMMIGRANT-VISA PETITION.

FILE
Attachment

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